

UNITED STATES DISTRICT COURT
for the
EASTERN DISTRICT OF NORTH CAROLINA

U.S.A. vs. Donnell Shamond Kearney

Docket No. 5:09-CR-121-1M

Petition for Action on Supervised Release

COMES NOW Timothy L. Gupton, Senior U.S. Probation Officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Donnell Shamond Kearney, who, upon an earlier plea of guilty to Possession With the Intent to Distribute 50 Grams or More of Cocaine Base (Crack) and a Quantity of Cocaine and Possession of a Firearm in the Furtherance of a Drug Trafficking Crime, was sentenced by the Honorable Malcolm J. Howard, Senior United States District Judge, on February 9, 2010, to the custody of the Bureau of Prisons for a term of 228 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for a period of 60 months. On November 4, 2019, pursuant to 18 U.S.C. § 3582(c)(1)(B), the term of imprisonment was reduced to 186 months.

Donnell Shamond Kearney was released from custody on February 6, 2023, at which time the term of supervised release commenced. On April 18, 2023, the term of supervised release was revoked, and the defendant was ordered committed to the custody of the Bureau of Prisons for a period of 180 days, to be spent in a Residential Re-Entry Facility at or near Wake County, North Carolina, with the anticipation of early release upon the creation of an appropriate release plan. It was further ordered that upon release from custody, Kearney was to be placed on supervised release under the standard and special conditions of supervised release previously imposed by the court, with no change to the original expiration date of February 5, 2028. On August 25, 2023, the defendant was released from the Bureau of Prisons and the second term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On January 5, 2024, in Wake County, North Carolina, Kearney was charged with Second Degree Trespassing (24CR203476-910), when he went upon the premises of Wake Technical Community College in Raleigh, North Carolina, after having previously been trespassed from the college. With this Trespassing charge in place, the defendant has now been referred for educational, employment, and housing services at Step Up Ministry in Raleigh. Furthermore, based on Kearney's supervision history, issues related to cognitions and mental health concerns during discussions related to this Trespassing charge, and this probation officer's interactions with the defendant since his release to supervision on August 25, 2023, it is recommended that this violation be held in abeyance with a verbal reprimand and the imposition of a mental health condition. The defendant has signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall participate in a program of mental health treatment, as directed by the probation office.

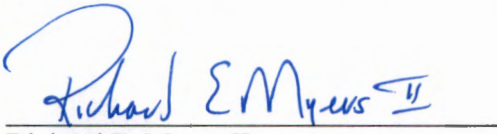
Except as herein modified, the judgment shall remain in full force and effect.

I declare under penalty of perjury that the foregoing is true and correct.

/s/Timothy L. Gupton
Timothy L. Gupton
Senior U.S. Probation Officer
310 New Bern Avenue, Room 610
Raleigh, NC 27601-1441
Phone: 919-861-8686
Executed On: January 10, 2024

ORDER OF THE COURT

Considered and ordered this 12th day of January, 2024, and ordered filed and made a part of the records in the above case.


Richard E. Myers II
Chief United States District Judge